

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-683**

Appellant(s): Timothy LaChapelle for                      vz.  
Reliable Truss & Components

Appellee(s): City/Town of Freetown  
Paul R. Bourgeois

## Procedural History

This matter came before the State Building Code Appeals Board (“Board”) on the Appellant’s appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 116.1 and 3603.1, for 46 Flagg Swamp Road, East Freetown, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 8, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing representing Reliable Truss and Components. Paul R. Bourgeois appeared along with others as shown on the sign in sheet on file with the Department of Public Safety..

## Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 116.1 and 3603.1, and uphold the building commissioner's order that the performance of the trusses that are the subject of this hearing, violate 780 CMR 116.1 and 3603.1 and it is up to the supplier to come up with a solution and have this done within 90 days, unless the building commissioner needs to adjust this timing requirement. There was a second on the motion and a board vote was taken, which was unanimous.

## Conclusion

**The Appellant's request for a variance from 780 CMR 116.1 and 3603.1, is hereby denied as described in the discussion above and so ordered<sup>2</sup> on this date: January 8, 2009.**

Douglas Semple

## Douglas Semple

Jacob Nunnemacher

Jacob Nunnemacher

Shane D. Smith

Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup>In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.